

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
V.)
)
TONY DIAZ)
_____)

NO. 04-10274-PBS

ASSENTED TO MOTION TO CONTINUE SENTENCING
AND DATE TO FILE OBJECTIONS TO PSR

The defendant, by and through counsel, hereby moves to continue the scheduled date for sentencing of February 6, 2006, and to continue the date for the defendant to file his objections to the Presentence Report. In support of this motion, counsel states the following:

1. On Tuesday, January 17, 2006, undersigned counsel began a First Degree Murder trial in Middlesex Superior Court. The trial is expected to last through the week of February 13, 2006. February 18, 2006 is the beginning of the public school vacation. Counsel and his family will be out of the country from February 18, 2006 until February 26, 2006.

2. For the two weeks prior to January 17, 2006, undersigned counsel has been preparing for the aforementioned trial and has not filed objections to the Presentence Report. Objections need to be filed in this matter.

3. Assistant United States Attorney has no objection to continuing the date for filing the objections and to the sentencing date.

4. Undersigned counsel requests that the objections to the Presentence Report be filed on or before March 15, 2006. Counsel further requests that the defendant's sentencing be scheduled for any time after April 7, 2006. (Undersigned counsel begins another homicide trial in Suffolk County on March 24, 2006. That trial will certainly be over by April 10, 2006).

WHEREFORE, the defendant's motion should be allowed.

Tony Diaz
By His Attorneys

CARNEY & BASSIL

/s/Andrew D'Angelo

Andrew M. D'Angelo
B.B.O. # 564200
CARNEY & BASSIL
20 Park Plaza, Suite 1405
Boston, MA 02116
617-338-5566
adangelo@CarneyBassil.com

Date: January 17, 2006